

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

-----X  
In re :  
 : Chapter 13  
CARA BETH POWELL :  
 : Case No. 24-10582 (AMC)  
Debtor. :  
-----X

**THE CITY OF PHILADELPHIA'S**  
**OBJECTION TO THE PROPOSED FIRST AMENDED CHAPTER 13 PLAN**

TO THE HONORABLE ASHLEY M. CHAN:

AND NOW, comes the City of Philadelphia, (the “City”), a priority and secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Senior Attorney, pursuant to Bankruptcy Code §§ 1322 and L.B.R. 3015-4, to object to the proposed First Amended Chapter 13 Plan (the “Plan”), of the above-captioned debtor, (the “Debtor”). The City avers the following in support thereof:

1. On February 22, 2024, the Debtor filed a voluntary petition for Chapter 13 bankruptcy with this Court.

2. On August 9, 2024, the City filed a claim that included unliquidated, non-filed business tax returns for Business Income & Receipt Taxes & Net Profit Taxes for which the Debtor is obligated to file returns but had failed to do so. A copy of the proof of claim filed by the City is attached hereto as “Exhibit A”.

3. As of October 2, 2024, the Debtor has failed to file the following required tax returns with the City of Philadelphia:

**Business Income and Receipts Tax returns for periods:**  
**12/31/2019, 12/31/2020, 12/31/2021, 12/31/2022 & 12/31/2023**

**Net Profits Tax returns for periods: 12/31/2018, 12/31/2019,**  
**12/31/2020, 12/31/2021, 12/31/2022 & 12/31/2023**

4. As neither the Debtor nor another party in interest has objected to the Tax Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

5. The Plan should not be confirmed as the Debtor has failed to file all tax returns for all taxable periods during the four (4) year period ending on the date of the filing of the petition. See 11 U.S.C. § 1308(a).

6. The Plan should not be confirmed until all returns are filed and all taxes that constitute priority tax claims under 11 U.S.C. § 507 are provided for in the Plan. See 11 U.S.C. § 1322(a)(2).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: October 2, 2024

By: /s/ Pamela Elchert Thurmond  
PAMELA ELCHERT THURMOND  
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PA Attorney I.D. 202054  
Attorney for the City of Philadelphia  
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**CERTIFICATION OF SERVICE**

I, Pamela Elchert Thurmond, Senior Attorney, for the City of Philadelphia in the above-captioned matter, hereby certify that on or before October 2, 2024, a copy of the Objection to the Proposed First Amended Chapter 13 Plan was served on the following parties by Court-generated ECF notice, and/or I served a copy by first class mail, postage prepaid, as indicated below, to the following addresses:

Via ECF Filing Notice

Chapter 13 Trustee:  
SCOTT F. WATERMAN  
Office of the Chapter 13 Standing Trustee  
2901 St. Lawrence Ave. – Suite 100  
Reading, PA 19606

United States Trustee  
Office of United States Trustee  
Robert N.C. Nix Federal Building  
900 Market Street – Suite 320  
Philadelphia, PA 1910

MICHAEL A. CIBIK, ESQ.  
Cibik Law, P.C.  
1500 Walnut Street – Suite 900  
Philadelphia, PA 19102

Via USPS Mail Delivery

Cara Beth Powell  
232 N. 61<sup>st</sup> Street  
Philadelphia, PA 19139

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: October 2, 2024

By: /s/ Pamela Elchert Thurmond  
PAMELA ELCHERT THURMOND  
PA Attorney I.D. 202054